

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1367**

**Introduced by Assembly Member Evans**

February 22, 2005

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An act to amend Section 65584 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1367, as amended, Evans. General plans: regional housing ~~needs~~ need.

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. The assessment includes the locality's share of regional housing needs. That share is determined by the appropriate council of governments or by the Department of Housing and Community Development, subject to revision by the department.

~~This bill would declare the Legislature's intent to enact legislation that would direct state and regional agencies to take into account locally passed land use initiatives when calculating the fair share of regional housing for cities and counties.~~

*This bill would, notwithstanding these provisions, prohibit a state, local, or regional agency, or any other governmental entity from enacting regulations applicable to a city or county's fair share of the regional housing need that are contrary to the land use determinations made in compliance with locally adopted land use initiatives.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 65584 of the Government Code is  
2     amended to read:  
3     65584. (a) (1) For the fourth and subsequent revisions of the  
4     housing element pursuant to Section 65588, the department shall  
5     determine the existing and projected need for housing for each  
6     region pursuant to this article. For purposes of subdivision (a) of  
7     Section 65583, the share of a city or county of the regional  
8     housing need shall include that share of the housing need of  
9     persons at all income levels within the area significantly affected  
10    by the general plan of the city or county.  
11    (2) While it is the intent of the Legislature that cities, counties,  
12    and cities and counties should undertake all necessary actions to  
13    encourage, promote, and facilitate the development of housing to  
14    accommodate the entire regional housing need, it is recognized,  
15    however, that future housing production may not equal the  
16    regional housing need established for planning purposes.  
17    (b) The department, in consultation with each council of  
18    governments, shall determine each region's existing and  
19    projected housing need pursuant to Section 65584.01 at least two  
20    years prior to the scheduled revision required pursuant to Section  
21    65588. The appropriate council of governments, or for cities and  
22    counties without a council of governments, the department, shall  
23    adopt a final regional housing need plan that allocates a share of  
24    the regional housing need to each city, county, or city and county  
25    at least one year prior to the scheduled revision for the region  
26    required by Section 65588. The allocation plan prepared by a  
27    council of governments shall be prepared pursuant to Sections  
28    65584.04 and 65584.05 with the advice of the department.  
29    (c) Notwithstanding any other provision of law, the due dates  
30    for the determinations of the department or for the councils of  
31    governments, respectively, regarding the regional housing need  
32    may be extended by the department by not more than 60 days if  
33    the extension will enable access to more recent critical  
34    population or housing data from a pending or recent release of  
35    the United States Census Bureau or the Department of Finance. If

1 the due date for the determination of the department or the  
2 council of governments is extended for this reason, the  
3 department shall extend the corresponding housing element  
4 revision deadline pursuant to Section 65588 by not more than 60  
5 days.

6 (d) The regional housing needs allocation plan shall be  
7 consistent with all of the following objectives:

8 (1) Increasing the housing supply and the mix of housing  
9 types, tenure, and affordability in all cities and counties within  
10 the region in an equitable manner, which shall result in each  
11 jurisdiction receiving an allocation of units for low and very low  
12 income households.

13 (2) Promoting infill development and socioeconomic equity,  
14 the protection of environmental and agricultural resources, and  
15 the encouragement of efficient development patterns.

16 (3) Promoting an improved intraregional relationship between  
17 jobs and housing.

18 (4) Allocating a lower proportion of housing need to an  
19 income category when a jurisdiction already has a  
20 disproportionately high share of households in that income  
21 category, as compared to the countywide distribution of  
22 households in that category from the most recent decennial  
23 United States census.

24 (e) For purposes of this section, “household income levels” are  
25 as determined by the department as of the most recent decennial  
26 census pursuant to the following code sections:

27 (1) Very low incomes as defined by Section 50105 of the  
28 Health and Safety Code.

29 (2) Lower incomes, as defined by Section 50079.5 of the  
30 Health and Safety Code.

31 (3) Moderate incomes, as defined by Section 50093 of the  
32 Health and Safety Code.

33 (4) Above moderate incomes are those exceeding the moderate  
34 income level of Section 50093 of the Health and Safety Code.

35 (f) Notwithstanding any other provision of law, determinations  
36 made by the department, a council of governments, or a city or  
37 county pursuant to this section or Section 65584.01, 65584.02,  
38 65584.03, 65584.04, 65584.05, 65584.06, or 65584.07 are  
39 exempt from the California Environmental Quality Act (Division

1 13 (commencing with Section 21000) of the Public Resources  
2 Code).

3 *(g) Notwithstanding any other provision of law, a state, local,*  
4 *or regional agency, or any other governmental entity may not*  
5 *enact any regulations applicable to a city or county's fair share*  
6 *of the regional housing need that are contrary to the land use*  
7 *determinations made in compliance with locally adopted land*  
8 *use initiatives.*

9 ~~SECTION 1. It is the intent of the Legislature to enact~~  
10 ~~legislation that would direct state and regional agencies to take~~  
11 ~~into account locally passed land use initiatives when calculating~~  
12 ~~the fair share of regional housing for cities and counties.~~